

C A L I F O R N I A

VICGCB

Victim Compensation & Government Claims Board



RESTITUTION FOR VICTIMS

Arnold Schwarzenegger
Governor, State of California

*Helping California Crime
Victims Since 1965*

800.777.9229
www.victimcompensation.ca.gov

What is restitution?

As a victim of crime, you have a right to restitution. Restitution means that the offender who committed the crime must pay you for any crime-related losses.

This brochure explains how restitution works and what you need to know to get a restitution order.

What is a restitution fine?

State law requires the judge to order an offender to pay a restitution fine when the offender is sentenced. Restitution fines go into the Restitution Fund, an important funding source for the Victim Compensation Program. This program helps crime victims pay for expenses that resulted from the crime.

The judge will require the offender to pay between \$100 and \$10,000, depending on the type of crime. Even if the offender cannot pay now, the judge will consider his or her future earning ability.

What is a restitution order?

The restitution order is the amount the offender must pay you or the Victim Compensation Program for losses related to the crime. The judge makes this order when the offender is sentenced. The judge must order the offender to pay restitution for the whole amount of those losses.

How will the judge know what my losses are?

The district attorney's office or your county probation department should tell the judge how much the offender owes you. However, you must first provide information about your losses to the DA or probation department.

Here are simple steps for you to follow so that you can be paid by the offender:

1. Keep copies of bills, receipts and expenses related to your crime.
2. Have the crime report number, the name of the offender, and, if possible, the offender's date of birth.
3. Give copies of the information to one of the following people before the sentencing hearing:
 - Your victim advocate. Every county has a Victim Witness Assistance Center. The victim advocates will help make sure the information about your losses gets to the judge. They also can help you apply for victim compensation.
 - The deputy district attorney in charge of your case.
 - Your county probation office. The probation office is often in charge of gathering information about your expenses. In felony cases, a probation officer may call you if the judge has ordered an investigation to gather information for the sentencing.

Always keep a copy of any paperwork you submit to the court.

Sometimes the sentencing hearing happens before you submit your bills, or you may not know the amount of your losses. The judge can order restitution with a condition that the amount is “to be determined.” Once you know the expenses, you can give them to the district attorney’s office or the county probation department, and the judge will order that amount to be paid. Your local victim advocate can help you get the information to the right place.

What are some examples of losses covered by restitution?

- Property loss – stolen or damaged property
- Medical expenses
- Mental health counseling
- Funeral expenses
- Wage loss
- Relocation expenses
- Security system expenses
- Interest
- Attorney fees

Can the offender ask for a restitution hearing?

Yes. If the offender disagrees with the amount of restitution ordered, he or she can ask for a hearing. If the offender asks for a hearing, you may be asked to appear or provide more information. Your victim advocate, district attorney’s office, or county probation department can help you if this happens.

Is a restitution order a life-long debt for the offender?

Yes. A restitution order does not go away until it is paid.

What if the offender cannot pay at the time of sentencing?

A restitution order never expires. Even if the offender cannot pay now, you may collect at a later date.

What if I don't get paid?

Talk to your local county probation department for assistance.

What if the offender is sent to prison?

If the offender is sentenced to prison, the California Department of Corrections and Rehabilitation (CDCR) will collect restitution payments. If the offender has money deposited into a prison bank account (also called a trust account), the prison will take a certain amount every month to pay his or her restitution orders and fines.

To be paid, you must inform the CDCR Office of Victim and Survivor Rights and Services of your address. You can call the CDCR Office of Victim and Survivor Services toll free at **877.256.OVSS (6877)** to update your information, or you can ask your victim advocate or county probation department to help you. CDCR has a form, CDC 1707, which is available for you to use. Form CDC 1707 is available on the Internet at **www.cdcr.ca.gov**.

What if the offender is put on probation?

Counties collect money from offenders on probation and then mail it to you. This process varies from county to county. Ask your victim advocate to explain how this works in your county.

What if I move?

If your mailing address changes, please give your new address and phone number to the agency that is sending you payments. It can take a long time for the offender to repay you completely, so updating your address is important.

How do I get paid if the offender gets out of prison, off probation, or off parole?

Offenders with unpaid restitution balances must submit a revised statement of assets to the judge 90 days before their probation ends. When the offender is discharged from prison, probation or parole, you will need to enforce the restitution order as if it were a civil judgment.

For more information contact:

- The Judicial Branch of California at **www.courtinfo.ca.gov**
- National Crime Victim Bar Association at **800.FYI.CALL (394.2255)** or visit **www.victimbar.org**

What if the offender is a juvenile?

If the offender is under age 18, the judge is still required to order restitution. The offender's parents or legal guardians may also be held responsible for the restitution payments.

What if the juvenile offender is sent to CDCR, Division of Juvenile Justice?

If the juvenile offender is sent to the Division of Juvenile Justice and ordered to pay restitution, the Office of Victim and Survivor Rights and Services notifies you of your right to restitution and collects restitution on your behalf. The Office of Victim and Survivor Rights and Services will forward payments to you every three months. For additional information or questions about juvenile offenders, you can call the Office of Victim and Survivor Rights and Services at **877.256.OVSS (6877)**.

How can the Victim Compensation Program help you?

If you were injured or threatened with injury during the crime, ask your victim advocate about the Victim Compensation Program. The program helps pay for losses and expenses that resulted from a crime when those losses cannot be paid by other sources. If the program helps you, then the judge must order the offender to repay the program.

What does the Victim Compensation Program pay for?

- Medical and dental treatment
- Mental health counseling
- Income loss, if you are disabled because of the crime
- Funeral and burial expenses
- Loss of support, for dependents when a victim is killed or disabled because of the crime
- Job retraining, if you are disabled because of the crime
- Home or vehicle modifications, if you are disabled because of the crime
- Home security
- Relocation
- Insurance co-payments
- Crime scene cleanup, when a crime happens in someone's home
- Medically necessary equipment, including wheelchairs, walkers, eyeglasses, and hearing aids
- Childcare services, when a caregiver is killed or disabled because of the crime

The program only pays for expenses not covered by another source of payment (such as workers' compensation, auto/health/life insurance, etc.). If you have insurance, you can apply to both your insurance company and the program.

Would I ever have to pay the program back?

Yes. If you win a court case, get a settlement or some other source of reimbursement after the program has paid you, you must pay the program back. This helps the program keep serving other crime victims.

Who else can help me with my losses?

Be sure to check out these options if they apply to your situation:

- Civil lawsuit
- Workers' compensation benefits
- Auto insurance
- Life insurance policies
- Mortgage insurance
- Homeowner's or renter's insurance
- Disability (private or state)
- Veterans benefits
- Social Security benefits
- Funeral insurance policy

For more information contact:

- **Victim Compensation and Government Claims Board** at **800.777.9229**, visit our website at **www.victimcompensation.ca.gov**, or e-mail us at **info@vcgcb.ca.gov**
- **California Department of Corrections and Rehabilitation, Office of Victim and Survivor Rights and Services** at **877.256.OVSS (6877)** or by e-mail at **ovssinet@cdcr.ca.gov**

You can also get help at:

- Your local Victim Witness Assistance Center (*See page 11*)
- The Judicial Branch of California at **www.courtinfo.ca.gov**
- National Crime Victim Bar Association at **800.FYI.CALL (394.2255)** or visit **www.victimbar.org**

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Victim Compensation and Government Claims Board

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800.777.9229

www.victimcompensation.ca.gov

info@vcgcb.ca.gov

All languages accommodated.
Hearing impaired/TTY: Please dial the
California Relay Service at **711**

For help, contact your county Victim Witness Assistance Center:

Alameda	510.272.6180
Alpine	530.694.2971
Amador	209.223.6474
Butte	530.538.7340
Calaveras	209.754.6565
Colusa	530.458.0449
Contra Costa	925.957.8650
Del Norte	707.464.7273
El Dorado	530.642.4760
Fresno	559.488.3425
Glenn	530.934.6510
Humboldt	707.445.7417
Imperial	760.336.3930
Inyo	760.878.0282
Kern	661.868.4535
Kings	559.582.3211 (ext. 2640)
Lake	707.262.4282
Lassen	530.251.8281
Los Angeles City	213.978.2097
Los Angeles Co.	800.380.3811
Madera	559.661.1000
Marin	415.499.6450
Mariposa	209.742.7441
Mendocino	707.463.4218
Merced	209.385.7385
Modoc	530.233.3311
Mono	760.924.1710
Monterey	831.755.5072
Napa	707.252.6222



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For help, contact your county Victim Witness Assistance Center:

Nevada	530.265.1246
Orange	949.975.0244
Placer	530.889.7021
Plumas	530.283.6285
Riverside	951.955.5450
Sacramento	916.874.5701
San Benito	831.634.1397
San Bernardino	909.387.6540
San Diego	619.531.4041
San Francisco	415.553.9044
San Joaquin	209.468.2500
San Luis Obispo	866.781.5821
San Mateo	650.599.7479
Santa Barbara	805.568.2400
Santa Clara	408.295.2656
Santa Cruz	831.454.2010
Shasta	530.225.5220
Sierra	530.993.4617
Siskiyou	530.842.8229
Solano	707.784.6844
Sonoma	707.565.8250
Stanislaus	209.525.5541
Sutter	530.822.7345
Tehama	530.527.4296
Trinity	530.623.1204
Tulare	559.733.6754
Tuolumne	209.588.5440
Ventura	805.654.3622
Yolo	530.666.8187
Yuba	530.741.6275